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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WALKER SPECIALTY
CONSTRUCTION, INC.,

Plaintiff,

BOARD OF TRUSTEES OF THE
CONSTRUCTION INDUSTRY AND
LABORERS JOINT PENSION TRUST;
THE CONSTRUCTION INDUSTRY AND
LABORERS PENSION TRUST FOR
SOUTHERN NEVADA

Defendants,

BOARD OF TRUSTEES OF THE
CONSTRUCTION INDUSTRY AND
LABORERS JOINT PENSION TRUST;
THE CONSTRUCTION INDUSTRY AND
LABORERS PENSION TRUST FOR
SOUTHERN NEVADA

Counterclaim Plaintiffs,

v.

WALKER SPECIALTY
CONSTRUCTION, INC.,

Counterclaim Defendant.

CASE NO.: 2:23-cv-00281-APG-VCF

**STIPULATION AND ORDER TO
EXTEND DISPOSITIVE MOTIONS
DEADLINE**

(FIRST REQUEST)

Defendants/Counterclaimants, the Board of Trustees of the Construction Industry and Laborers Pension Trust for Southern Nevada and the Construction Industry and Laborers Pension Trust for Southern Nevada (collectively, the “Pension Trust”), by and through its attorneys of record at Brownstein Hyatt Farber Schreck, LLP, and Plaintiff/Counterdefendant Walker Specialty Construction, Inc. (“Walker Specialty”) by and through their counsel of record, the law firm of Fennemore Craig, P.C. (together with the Pension Trust, the “Parties”) hereby stipulate to extend the current deadline for the Parties’ replies in support of their motions for summary judgment (the “Reply”) by seven (7) days, pursuant to Local Rule IA 6-1 and 6-2, and Local Rule 26-3, as follows:

1. The current deadline for filing dispositive motions in this case is October 2, 2023. Counsel for the parties propose that the deadline be extended by seven (7) days until October 9, 2023.

2. This matter is an appeal of an arbitration award regarding employer withdrawal liability pursuant to 29 U.S.C. § 1401(b)(2) of the Employee Retirement Income Security Act of 1974 (“ERISA”) and the Multiemployer Pension Plan Amendments Act of 1980 (“MPPAA”).

3. The Parties have thus far complied in full with the current scheduling order (ECF No. 11, filed July 5, 2023), having met and conferred and agreed upon a Jointly Stipulated Administrative Record. The Parties have also filed their dispositive motions and oppositions to the other Party’s dispositive motion.

4. The Pension Trust’s counsel requested an extension from Walker Specialty’s counsel to the Reply deadline because after the Pension Trust’s counsel submitted the joint proposed discovery plan, the Pension Trust’s counsel became aware of a substantial professional obligation involving cross country travel that would arise unexpectedly during the current response period, leaving a compressed time period for Pension Trust’s counsel to draft arguments in response to Walker Specialty’s opposition to the Pension Trust’s motion for summary judgment. Walker Specialty’s counsel graciously agreed to provide the professional courtesy to the Pension Trust’s counsel after meeting and conferring on September 26, 2023.

5. This request is made in good faith, is not for the purpose of delay and is the first

request by the Parties to extend any deadline in the scheduling order. Given that there is no trial in this matter due to the appellate nature of the proceedings, the Parties submit that this seven-day extension will not unduly burden progress in this case going forward as there is likely no further substantial briefing to be conducted by the Parties after the submission of dispositive motions.

6. Nothing in this Stipulation, nor the fact of entering to the same, shall be construed as waiving any claim and/or defense held by any party.

7. Current Discovery Schedule:

Reply in Support of Motion for Summary Judgment Deadline: October 2, 2023

8. Proposed Discovery Schedule:

Reply in Support of Motion for Summary Judgment Deadline: October 9, 2023

DATE: September 26, 2023

FENNEMORE CRAIG, P.C.

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By: /s/ Ryan C. Curtis

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ORDER

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

DATED: September 27, 2023